

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 22, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARL G.,¹

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of
Social Security,

Defendant.

No. 4:24-cv-05023-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 9**, is
GRANTED.

¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

2. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct that for the period from October 30, 2023 onward the ALJ shall not reconsider the prior determination awarding disability and that for the period prior to October 30, 2023 the ALJ is to: give further consideration to the opinion evidence and evaluate it in accordance with the regulations; take any necessary action to complete the administrative record and the sequential evaluation; give Plaintiff the opportunity to submit new evidence; further evaluate the residual functional capacity consistent with the updated evaluation of the evidence, and if necessary by the expanded record, obtain supplemental vocational expert testimony to determine if jobs exist in significant numbers in the national economy; and issue a new decision.

3. The Clerk's Office shall **TERM** the hearing and Plaintiff's brief, **ECF No. 6**, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the case.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 22nd day of July 2024.



EDWARD F. SHEA
Senior United States District Judge